

House Study Bill 717

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulating adult entertainment establishments,
2 and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6088HC 81
5 jm/gg/14

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1 1 Section 1. NEW SECTION. 728A.1 ADULT ENTERTAINMENT
2 ESTABLISHMENTS.
1 3 1. As used in this section:
1 4 a. "Adult arcade" means any place the public is permitted
1 5 or invited, in which coin-operated, or electronically or
1 6 mechanically operated motion picture machines, projectors, or
1 7 other image producing devices are regularly maintained to show
1 8 images to five or fewer persons, with an emphasis on images
1 9 depicting or describing specified sexual activities or
1 10 anatomical areas.
1 11 b. "Adult bookstore" means a business that has a
1 12 significant or substantial portion of its stock-in-trade or
1 13 derives a significant portion of its revenues from books,
1 14 magazines, or other printed material, photographs, movies,
1 15 cassettes, compact discs, slides, or other visual
1 16 representations with an emphasis on images depicting or
1 17 describing specified sexual activities or anatomical areas.
1 18 c. "Adult club" means a nightclub, bar, juice bar,
1 19 restaurant, theater, or similar commercial business that
1 20 regularly features any of the following:
1 21 (1) Persons who appear in a state of nudity or partial
1 22 nudity.
1 23 (2) Live performances that are characterized by the
1 24 exposure of specified anatomical areas.
1 25 (3) Movies, slides, or photographic reproductions that are
1 26 distinguished or characterized by their emphasis on images
1 27 depicting or describing specified sexual activities or
1 28 anatomical areas.
1 29 d. "Adult entertainment establishment" means an adult
1 30 arcade, adult bookstore, or adult club.
1 31 2. An owner, manager, or person who exercises direct
1 32 control over an adult entertainment establishment shall not
1 33 allow or permit the use of viewing booths, stalls, or
1 34 partitioned rooms for the purpose of viewing visual materials
1 35 depicting a sex act or live nude or partially nude
2 1 performances unless the following apply:
2 2 a. At least one side of each booth, stall, or partitioned
2 3 room shall be transparent and visible from a public area of
2 4 the adult entertainment establishment and the view from the
2 5 public area shall not be obscured by a curtain, door, or other
2 6 covering or enclosure.
2 7 b. The booth, stall, or partitioned room shall not be
2 8 designed or constructed in such a way as to encourage or
2 9 facilitate nudity or the performance of sex acts between
2 10 patrons of the adult entertainment establishment.
2 11 3. An owner, manager, or person who exercises direct
2 12 control over an adult entertainment establishment shall not
2 13 knowingly permit a person under eighteen years of age on the
2 14 premises of the adult entertainment establishment.
2 15 4. A person under the age of eighteen shall not knowingly
2 16 present false or fraudulent identification to gain entrance to
2 17 the adult entertainment establishment.
2 18 5. This section does not apply to a booth, stall, or

2 19 partitioned room designed and used for a legitimate
2 20 educational or medical purpose, or to adult bookstores whose
2 21 customers include legitimate educational or medical entities.
2 22 6. A person who violates this section commits a serious
2 23 misdemeanor.
2 24 Sec. 2. NEW SECTION. 728A.2 ADULT CLUBS.
2 25 1. A person performing nude or partially nude at an adult
2 26 club shall not do any of the following:
2 27 a. Appear in the view of any customer unless the person
2 28 remains at least six feet from the customer on a stage at
2 29 least two feet above the floor.
2 30 b. Receive any pay or gratuity directly from any customer.
2 31 c. Touch any customer while nude or partially nude.
2 32 2. A customer of an adult club shall not knowingly do any
2 33 of the following:
2 34 a. Give any pay or gratuity directly to a person
2 35 performing nude or partially nude.
3 1 b. Touch a person performing nude or partially nude.
3 2 3. A person who violates this section commits a serious
3 3 misdemeanor.
3 4 Sec. 3. NEW SECTION. 728.3 INJUNCTIVE RELIEF.
3 5 1. The attorney general or county attorney may petition
3 6 the district court for the county in which a violation of this
3 7 chapter occurs for a temporary or permanent injunction in
3 8 order to enforce the provisions of this chapter.
3 9 2. Rules of civil procedure 1.1501 to 1.1511 regarding
3 10 injunctions shall apply. A bond shall not be required of the
3 11 plaintiff unless the court determines that a bond is necessary
3 12 and in the public interest.
3 13 3. Failure to comply with any temporary or permanent
3 14 injunction granted pursuant to this section shall constitute a
3 15 contempt punishable pursuant to chapter 665. The punishment
3 16 shall not exceed five hundred dollars for an individual, or
3 17 ten thousand dollars for an owner, manager, or person who
3 18 exercises direct control over an adult entertainment
3 19 establishment for each day during which the failure to comply
3 20 continues, or imprisonment in a county jail not exceeding six
3 21 months, or both such fine and imprisonment. An owner,
3 22 manager, or person who exercises direct control over an adult
3 23 entertainment establishment that makes an active good faith
3 24 effort to comply fully with the injunction shall not be deemed
3 25 to be in contempt.

3 26 EXPLANATION

3 27 This bill relates to regulating adult entertainment
3 28 establishments.
3 29 The bill provides that an owner or person who exercises
3 30 control over an adult establishment shall not permit the use
3 31 of viewing booths to view visual materials depicting a sex act
3 32 or live nude or partially nude performances unless the
3 33 following apply: (1) at least one side of each booth is
3 34 transparent and visible from a public area of the
3 35 establishment; and (2) the booth is not designed in such a way
4 1 as to encourage or facilitate nudity or the performance of sex
4 2 acts between patrons of the establishment.
4 3 The bill prohibits a person under the age of 18 to be
4 4 present on the premises of an adult entertainment
4 5 establishment.
4 6 The bill provides a person performing live in a nude or
4 7 partially nude state at an adult club shall not do any of the
4 8 following: (1) appear in the view of a customer of the club
4 9 unless the person remains at least six feet from the customer
4 10 on a stage at least two feet high; (2) receive any pay or
4 11 gratuity directly from the customer; (3) touch any customer
4 12 while nude or partially nude.
4 13 The bill also prohibits a customer of an adult club to
4 14 directly pay or touch a person performing live in a nude or
4 15 partially nude state.
4 16 The bill permits the county attorney or attorney general to
4 17 seek temporary or permanent injunctive relief if an adult
4 18 entertainment establishment violates the bill. A person who
4 19 violates an injunction imposed under the bill may be fined up
4 20 to \$500 for an individual or up to \$10,000 for any person who
4 21 exercises control over the establishment for each day any
4 22 injunction is violated, or any person may be imprisoned for up
4 23 to six months for any violations.
4 24 A person who criminally violates a provision of the bill
4 25 commits a serious misdemeanor.
4 26 The bill defines an "adult entertainment establishment" to
4 27 mean an adult arcade, adult bookstore, or adult club.
4 28 The bill defines "adult arcade" to mean any place the
4 29 public is permitted in which a coin-operated, or

4 30 electronically or mechanically operated motion picture
4 31 machines are regularly maintained to show images to five or
4 32 fewer people with an emphasis of images depicting or
4 33 describing specified sexual activities or anatomical areas.
4 34 The bill defines "adult bookstore" to mean a business that
4 35 has a significant or substantial portion of its stock=in=trade
5 1 or derives a significant portion of its revenues from books,
5 2 magazines, or other printed material, photographs, movies,
5 3 cassettes, compact discs, slides, or other visual
5 4 representations with an emphasis of images depicting or
5 5 describing specified sexual activities or anatomical areas.
5 6 The bill defines "adult club" to mean a nightclub, bar,
5 7 juice bar, restaurant, theater, or similar commercial business
5 8 that regularly features any persons who appear live in a state
5 9 of nudity or partial nudity or that shows movies, slides, or
5 10 photographic reproductions that are distinguished by their
5 11 emphasis of images depicting sexual activities or anatomical
5 12 areas.
5 13 The bill does not apply to a booth, stall, or partitioned
5 14 room designed and used for a legitimate educational or medical
5 15 purpose, or to adult bookstores whose customers include
5 16 legitimate educational or medical entities.
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